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AKC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/825,446

Applicant(s)
Nakamura et al.

Examiner
Karl Easthom

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____
- 2a) This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) Some* c) None of:

1. ☒ Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

16 Notice of Draftsperson's Patent Drawing Review (P. 41a)

17 Information Disclosure Statement (PTO 1449) Paper No. 5

20 Other

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "rolled" is not described sufficiently to convey how "rolling" affixes the strips.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For reasons noted above, it is not clear what structure results from "rolling" and it is not clear what "and/or" means.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 C of this title before the invention thereof by the applicant for patent.

6. Claims 1 and 3-5 rejected under 35 U.S.C. 102(b) as being anticipated by .

McKim, Jr. et al. The claimed invention is disclosed at 6c with contacts 645 fusion welded as seen at the abstract.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 4, 6-11, 13, 15-17 and 19-20 are rejected under 35 U.S.C. 102(e) as anticipated by Szwarc et al. '234 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Szwarc et al. in view of McKim, Jr., Hollander or Das et al. Szwarc discloses the claimed invention at Figs 2-3 with alloy 12, see top col. 2, and copper electrode strips welded thereto. The rolling and/or diffusion bonding does not result in a distinct product where for example, it is not clear what rolling is, or how it results in a distinct structure, and it is not seen how the disclosed welding process results in a distinct product from diffusion bonding. Alternatively, Hollander at col. 3, lines 22-25 discloses that diffusion bonding is a well known welding method for joining metal edges, while Das discloses the technique for terminal good strong terminal bonding at top of col. 8, and at col. 8, lines 60-65, and McKim, Jr. discloses the technique to eliminate hot spots at top of col. 8, and it would have been obvious to weld metal edges in such a manner for good bonding while eliminating hot spots where Szwarc discloses any type of welding for joining. In claim 10, the resistivity is met by the materials used. In claim 13, an


element is disclosed at col. 2, lines 2-3 and col. 3, lines 34 which is

deemed fused since it must be melted. Trimming of claim 4 is disclosed at col. 5, lines 4-5. In claim 7, two terminals are at ends with terminals on opposite surfaces thereof. In claim 9, any part can be a wire site where no wire is claimed and the wire can be joined anywhere.

9. Claims 1-17 and 19-20 are rejected under 35 U.S.C. 102(b) as anticipated by Szwarc et al. '085 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Szwarc et al. in view of McKim Jr., et al., Hollander or Das et al. Szwarc discloses the claimed invention at Fig. 1 with alloy 12, see top col. 2, and copper electrode strips welded thereto primarily as noted above, and as noted there in the alternative. All other claims are as noted with insulation, solder, and wires as disclosed at col. 2, lines 45-62, meeting claims 2, 8-9, 13 and 15-17. The terminals 18 and 16 are at ends on opposite surfaces for claim 7. The trimming of the remaining claims is met by the depicted trim cut in 12 at Fig. 1, where a portion of a corner is missing and part of the cut is in the current direction.

Claims 1-6, 8-9, and 12-18 are rejected under 35 U.S.C. 102(e) as anticipated by Gerber et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gerber in view of McKim Jr. et al., Hollander or Das et al. Gerber discloses the invention at Fig. 2 with terminals 20, 22 welded or plated, and the reasoning above applied as to the diffusion bonding element. For the trimming claims, see Fig. 13 where the cuts are along the current direction. Claims 13-19 are disclosed via the epoxy coating 18, see col. 2, line 62. In claim 2 and like claims, terminals 22, 24 are disclosed as solderable coatings at col. 3, lines 25-32, so that solder is contemplated, and it must be fused or melted.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 5:30 AM to 4:00PM.


KARL D. EASTHOM
PRIMARY EXAMINER